

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

TRACT 1. 0.959 ACRE OF LAND, MORE OR LESS, OUT OF THE JOHN APPLGATE SURVEY NO. 58, FROM INTERIM "AA" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2. 4.043 ACRES OF LAND, MORE OR LESS, OUT OF THE JOHN APPLGATE SURVEY NO. 58, FROM INTERIM "AA" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT, ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 9611 DESSAU ROAD; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. CHAPTER 13-2 of the Austin City Code of 1981 is hereby amended to change the USE and HEIGHT and AREA designations on the property described in File C14-83-231, to-wit:

TRACT 1. From Interim "AA" Residence,
First Height and Area District
to "GR" General Retail, First
Height and Area District.

All of that certain parcel or tract of land out of the John Applegate Survey No. 58 in the City of Austin, Travis County, Texas, and being a portion of that certain tract of land as conveyed to J.H. Brightwell by Deed recorded in volume 4429, Page 1848 of the Deed Records of Travis County, Texas, said tract of land being more particularly described by metes and bounds as follows:

BEGINNING, at a point in the east r.o.w. line of Dessau Road at the southwest corner of that certain tract of land as conveyed to the Austin Apple School by Deed recorded in Volume 7527, Page 2189 of the Deed Records of Travis County, Texas, for the northwest corner and PLACE OF BEGINNING hereof;

THENCE, with the south line of the said Austin Apple School Tract and the north line of the herein described tract, the following courses:

S 60° 32' E for a distance of 8.23 feet
to a point for an angle point;

S 60° 59' E for a distance of 191.77 feet to a point for the northeast corner hereof;

THENCE, with the east line of the herein described tract, S 29° 31' W for a distance of 208.93 feet to a point in the north line of that certain tract of land as conveyed to L. Ellet by Deed recorded in Volume 4745, Page 1234 of the Deed Records of Travis County, Texas, for the southeast corner hereof;

THENCE, with the north line of the said Ellet Tract and the south line of the herein described tract, the following courses:

N 60° 59' W for a distance of 190.64 feet to a point for an angle point;

N 60° 39' W for a distance of 9.36 feet to a point in the east r.o.w. line of Dessau Road, same being the northwest corner of the said Ellet Tract, for the southwest corner hereof;

THENCE, along the east line of Dessau Road and with the West line of the herein described tract, N 29° 31' E for a distance of 208.93 feet to the PLACE OF BEGINNING and containing 0.959 acre of land, more or less; and,

TRACT 2. From Interim "AA" Residence, First Height and Area District to "DL" Light Industrial, First Height and ARE District.

All of that certain parcel or tract of land out of the John Applegate Survey No. 58 in the City of Austin, Travis County, Texas, and being a portion of that certain tract of land as conveyed to J.H. Brightwell by deed recorded in Volume 4420, Page 1848 of the Deed Records of Travis County, Texas, said tract of land being more particularly described by metes and bounds as follows:

BEGINNING FOR REFERENCE, at a point in the east r.o.w. line of Dessau Road, at the southwest corner of that certain tract of land as conveyed to the Austin Apple School by Deed recorded in Volume 7527, Page 2189 of the Deed Records of Travis County, Texas;

THENCE, with the south line of the said Austin Apple School tract, the following courses:

S 60° 32' E for a distance of 8.23 feet to a point for an angle point;

S 60° 59' E for a distance of 191.77 feet to a point for the northwest corner and PLACE OF BEGINNING hereof.

THENCE, continuing with the south line of the said Austin Apple School tract and the north line of the herein described tract, S 60° 59' E for a distance of 842.97 feet to a point in the west line of the Canion and Canion Subdivision, a subdivision in the City of Austin, Travis County, Texas, as recorded in Plat Book 79, Page 39 of the Plat Records of Travis County, Texas, for the northeast corner hereof;

THENCE, with the east line of the herein described tract, same being the west line of the said Canion and Canion Subdivision, S 29° 28' W for a distance of 208.93 feet to a point at the northeast corner of that certain tract of land as conveyed to L. Ellet by Deed recorded in Volume 4745, Page 1234 of the Deed Records of Travis County, Texas, for the southeast corner hereof;

THENCE, with the south line of the herein described tract, same being the north line of the said Ellet Tract, N 60° 59' W for a distance of 843.15 feet to a point for the southwest corner hereof;

THENCE, with the west line of the herein described tract, N 29° 31' E for a distance of 208.93 feet to the PLACE OF BEGINNING, and containing 4.043 acres of land, more or less,

locally known as 9611 Dessau Road in the City of Austin, Travis County, Texas.

PART 2. It is hereby ordered that the USE and HEIGHT and AREA maps accompanying Chapter 13-2 of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

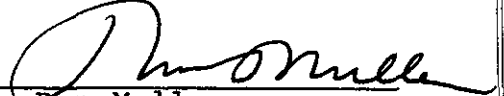
PART 3. WHEREAS, an emergency is apparent for the immediate preservation of order, health, safety and general welfare of the public, which emergency requires the suspension of the rule providing for the reading of an ordinance on three separate days, and requires that this ordinance become effective immediately upon its passage; therefore, the rule requiring the reading on three separate days is hereby suspended and this ordinance shall become effective

immediately upon its passage as provided by the Charter of the City of Austin.

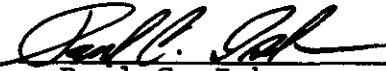
PASSED AND APPROVED

February 9, 1984


X
X
X
X


Ron Mullen
Mayor

APPROVED:


Paul C. Isham
City Attorney

ATTEST:


James E. Aldridge
City Clerk

:saf

STREET DEED

C14-83-231

THE STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

That Jack Holly Brightwell, Jr., of Travis County, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, to Grantors in hand paid by the City of Austin, Texas, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien, expressed or implied, is retained, have this day Granted, Sold and Conveyed, and by these presents do hereby Grant, Sell and Convey, unto the said City of Austin, a municipal corporation situated in Travis County, Texas, for street purposes, the following described property, to-wit:

All that certain tract, piece or parcel of land, lying and being situated in the County of Travis, State of Texas, described in EXHIBIT "A" attached hereto and made a part hereof for all purposes, to which reference is here made for a more particular description of said property.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said City of Austin, its successors and assigns forever; and Grantors, whether one or more, do hereby bind ourselves, our heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular the said premises unto the said City of Austin, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, Grantors have caused this instrument to be executed on this 6th day of January, 1984.

Jack Holly Brightwell Jr.
Jack Holly Brightwell, Jr.

ACKNOWLEDGMENT

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Jack Holly Brightwell, Jr., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 6th day of January, 1984.

Judy Banks
Notary Public in and for State of Texas
JUDY BANKS

(Print or Type Notary's Name)

EXHIBIT "A"

John Holly Brightwell, Jr.
To
The City of Austin
(For Street Purposes)
(Dessau Road Widening)

FIELD NOTES

Parcel Twenty-One - 1,847 Square Feet (0.042 Acre)

FIELD NOTES FOR A PARCEL OF LAND CONTAINING 1,847 SQUARE FEET (0.042 ACRE) AND BEING A PART OF THAT FIVE ACRE TRACT IN THE JOHN APPLAGAIT SURVEY NUMBER 58, TRAVIS COUNTY, TEXAS CONVEYED TO JACK HOLLY BRIGHTWELL, JR., BY INSTRUMENT OF CONVEYANCE OF RECORD VOLUME 4420, PAGE 1848 AND VOLUME 5731, PAGE 358 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1,847 SQUARE FEET (0.042 ACRE) PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL BEARINGS AND COORDINATES REFERENCED TO THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE:

BEGINNING at a 1/2" iron rod found (x = 2,839,009.94, y = 260,224.18) in the existing east line of Dessau Road, the northwest corner of the said five acre tract and the northwest corner of the herein described tract;

THENCE, South 62° 37' East, 8.25 feet along the north line of said five acre tract to a 5/8" iron rod set in the proposed east line of Dessau Road, the northeast corner of the herein described tract;

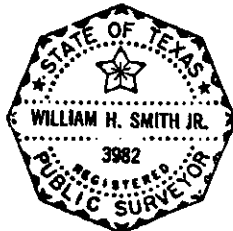
THENCE, South 27° 32' 31" West, 208.85 feet along the proposed east line of Dessau Road to a 5/8" iron rod set in the south line of said five acre tract; the southeast corner of the herein described tract;

THENCE, North 62° 37' West, 9.44 feet along the south line of said five acre tract to a 1/2" iron rod found, the southwest corner of the said five acre tract in the existing east line of Dessau Road, the southwest corner of the herein described tract;

THENCE, North 27° 52' 09" East, 208.85 feet along the existing east line of Dessau Road to the PLACE OF BEGINNING and containing a computed area of 1,847 square feet (0.042 acre).

I, William H. Smith, Jr., do hereby certify that this description was revised under my supervision in December, 1982, and accurately represents the results of an on the ground survey made under the supervision and direction of Andy Dorsey, Registered Public Surveyor, Texas Registration No. 1912 and certified by Andy Dorsey in October, 1982.

William H. Smith Jr.
William H. Smith, Jr.
Registered Public Surveyor
Texas Registration No. 3982



Turner Collie & Braden Inc.
Austin, Texas
Job No. 41-00001-001
October, 1982
Revised December 1982

Handwritten:
cl-24-83

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

Susana Martinez,

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State, who being duly sworn by me states that the attached advertisement was published in said newspaper on the following dates, to wit:

March 13, 1984

and that the attached is a true copy of said advertisement.

Susana Martinez

SWORN AND SUBSCRIBED TO BEFORE ME, this the 14th

Day of March A.D. 198 4.

84-02-09-D

Denise Stegall

Notary Public in and for
TRAVIS COUNTY, TEXAS

